

EXHIBIT UUU

Page 1

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

- - -
EQUAL EMPLOYMENT : CASE NO.
OPPORTUNITY COMMISSION : WDQ 02-CV-648
Plaintiff :
:
v. :
LA WEIGHT LOSS :
CENTERS, INC. :
Defendant :
- - -

February 22, 2006

- - -
Oral deposition of MARISSA

FAVARA, taken pursuant to notice, was
held at the offices of ESQUIRE DEPOSITION
SERVICES, Four Penn Plaza, 1600 John F.
Kennedy Boulevard, Suite 1210,
Philadelphia, PA, beginning at 11:00
a.m., on the above date, before Nancy D.
Ronayne, a Professional Court Reporter
and Notary Public in the Commonwealth of
Pennsylvania.

- - -
ESQUIRE DEPOSITION SERVICES
Four Penn Center
1600 John F. Kennedy Boulevard-12 Floor
Philadelphia, Pennsylvania 19103
(215) 988-9191

MARISSA FAVARA

<p style="text-align: right;">Page 46</p> <p>1 Q. In any of those center 2 manager positions, Brooklyn Heights, 3 Upper East or Midtown, did you have any 4 job duties that related to recruiting or 5 hiring? 6 A. Not at all. 7 Q. Why did you transfer to 8 Upper East from Brooklyn Heights? 9 A. The manager that was in 10 Upper East was leaving and it was a -- it 11 was a top revenue location for us. My 12 assistant manager I had trained her 13 enough that she could take my management 14 position in Brooklyn Heights and move 15 over to the Upper East, being that we 16 were commissioned based it was more money 17 opportunity for me as well as the 18 supervisor. 19 Q. I assumed it was a higher 20 revenue center but I just wanted to 21 verify that. Why did you move to Midtown 22 from Upper East? 23 A. Same situation, the manager 24 was not doing what they needed to do at</p>	<p style="text-align: right;">Page 48</p> <p>1 Q. What was your territory as 2 area supervisor when you first started? 3 A. The Brooklyn area which was 4 Brooklyn Heights, Bay Ridge, Bensonhurst 5 and Sheeps Head Bay. I then later maybe 6 2 weeks or 3 weeks later got Staten 7 Island. 8 Q. And was that area known as 9 at the time as New York Metro South? 10 A. Yes. 11 Q. During your tenure as area 12 supervisor -- first of all, how long were 13 you an area supervisor before your next 14 position, I'm asking you that? 15 A. Approximately a year. 16 Q. Company records show that 17 you became a director of training on 18 October 15th of '01; does that sound 19 about right? 20 A. Yes. 21 Q. From the last week 22 approximately of December 2000 when you 23 first became an area supervisor to 24 October 15th of 2001 when you became a</p>
<p style="text-align: right;">Page 47</p> <p>1 that point and they wanted somebody that 2 was going to be able to come in and 3 impact the revenue immediately and they 4 viewed me as that person. 5 Q. Do you recall who the 6 manager at Midtown was? 7 A. At that time Patrice Harris, 8 she was my assistant when I moved there 9 as a manager. 10 Q. How long total were you a 11 center manager at any location, how long? 12 A. Four months, I -- well 13 three, you know, within four months of 14 coming to the company I was in a 15 supervisor position. 16 Q. Company records show, appear 17 to show that you became a supervisor on 18 January 1st of '01, does that sound about 19 right? 20 A. That week of December 26th 21 sounds right to me. 22 Q. So we're in the ballpark 23 then at least? 24 A. Yes.</p>	<p style="text-align: right;">Page 49</p> <p>1 director of training, did you supervise 2 any centers other than the five that you 3 mentioned? 4 A. No. 5 Q. Did you have any duties or 6 responsibilities related to hiring and 7 recruiting when you were an area 8 supervisor for the Brooklyn Heights area? 9 A. Yes. 10 Q. What were those duties and 11 responsibilities? 12 A. Conducting the interviews, 13 hiring candidates. 14 Q. Did you, did you set up your 15 own interviews or were they set up for 16 you? 17 A. Both. 18 Q. How did that work, were 19 there particular positions that you, that 20 people set up interviews for you or was 21 it -- 22 A. We kept organizational 23 charts that let our supervisors know who 24 we had in what positions within our</p>

MARISSA FAVARA

<p style="text-align: right;">Page 246</p> <p>1 Q. In any communication with 2 anyone at LA Weight Loss has that topic 3 ever come up? 4 A. No. 5 Q. Has anyone ever mentioned to 6 you specifically that you should not 7 discriminate against male candidates? 8 A. I haven't had an exact 9 conversation with anybody in regard to 10 that. 11 Q. Have you ever had any 12 training of any kind or workshop where 13 the issue of male candidates in 14 particular was discussed and specifically 15 non-discrimination against them in 16 particular? 17 A. No. 18 Q. Has anyone ever at any time 19 at LA Weight Loss, has anyone ever come 20 to you and asked you to explain your 21 rationale for hiring a particular 22 candidate? 23 A. No. 24 Q. Has anyone ever asked you to</p>	<p style="text-align: right;">Page 248</p> <p>1 topic? 2 A. Laurie Brody as an area 3 supervisor. 4 Q. So this was back in '01 when 5 you were an area supervisor? 6 A. Yes. 7 Q. What did she tell you? 8 A. Any and all applications, 9 resumes, any notes that I take during any 10 interview need to go – need to be 11 stapled together and sent to corporate. 12 Q. How long after you became an 13 area supervisor did she tell you that? 14 A. Within that first week of my 15 position in giving me my information. 16 Q. Before you started 17 interviewing? 18 A. Yes. 19 Q. And did you follow those 20 instructions? 21 A. Yes. 22 Q. How did you route the 23 information to corporate? 24 A. Send it via what we call a</p>
<p style="text-align: right;">Page 247</p> <p>1 report to them the gender identification, 2 sex, of the people that you had offered 3 jobs to? 4 A. No. 5 Q. Have you ever received any 6 communication from human resources asking 7 you for more information about a 8 particular candidate? 9 A. No. 10 Q. Have you ever received any 11 information from any source at the 12 company regarding what should be done 13 with applications or resumes after you're 14 finished with them? 15 A. Yes. 16 Q. How many times have you 17 received such information? 18 A. I couldn't give you a 19 number. 20 Q. Who was the source? 21 A. It's been several people 22 over a period of time. 23 Q. When was the first time 24 someone communicated with you on that</p>	<p style="text-align: right;">Page 249</p> <p>1 Monday mailer. 2 Q. Have you always followed 3 those instructions continuously since you 4 spoke to Laurie Brody about it the first 5 time? 6 A. Yes. 7 Q. So is it your testimony then 8 that all resumes and applications that 9 you have ever received from any source 10 you have routed those to corporate at 11 some point? 12 A. Yes. 13 Q. Who in corporate; do you 14 know? 15 A. I just make it attention to 16 human resources. 17 Q. Okay, whoever is in charge 18 of opening the mail does that? 19 A. Sure. 20 Q. But you don't know that? 21 A. I have no clue. 22 Q. Attention human resources 23 and whatever happens happens? 24 A. You're lucky if I'm in</p>